

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

ROY LEE MARSHALL, ET AL.

PLAINTIFFS

vs.

CASE NO. **3:04CV00249JMM**

CITY OF OSCEOLA

DEFENDANT

ORDER

Pending before the Court is the motion of Edmundo Rogers of the Rogers Law Firm, P.A. ("Rogers") to enforce his attorney's lien against the proceeds to be paid under the settlement to plaintiff Roy Lee Marshall ("Marshall"). The Arkansas Office of Child Support Enforcement ("OCSE") filed a Notice of Lien in the amount of \$23,067.93, claiming entitlement to settlement proceeds to be paid to Marshall. In its response, the OCSE does not object to the payment of a reasonable attorney's fee to Rogers.

Rogers has filed a reply. He states that he is entitled to a 45 percent contingency fee along with Marshall's share of the costs in the amount of \$405.81 under the contract Rogers had with Marshall. Rogers also claims that he is entitled to costs and fees for his work in enforcing his lien. Excluding the attorney time involved in the enforcement, Rogers states that \$2,812.31 is due him.

Rogers states that he is willing to compromise his claim and seeks only the 45 percent contingency fee, or \$2,362.50 of Marshall's settlement. The remainder can be paid to the OCSE.

The Court finds that Rogers is entitled to \$2,362.50 under his contingency fee contract with Rogers. The entire amount of the settlement, or \$5,250.00, is in the Registry of the Court. The Clerk is directed to issue a check in the amount of \$2,362.50 to the Rogers Law Firm, P.A. A check in the amount of \$2,887.50 should be issued to the State of Arkansas, Office of Child Support Enforcement.

Accordingly, the motion for enforcement of the lien and the motion for an order (docket no. 101) are granted.

The Clerk of the Court is directed to close the case based upon the settlement of the parties and distribution of the proceeds of the settlement between plaintiff Marshall and the defendants.

IT IS SO ORDERED this 17 day of May, 2007.


UNITED STATES DISTRICT JUDGE